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Sub	stitute for form 1449/PTO			Complete if Known		
				Application Number	10/771,803 - Conf. # 3335	
l IN	IFORMATION	1 DI	SCLOSURE	Filing Date	February 4, 2004	
S	STATEMENT BY APPLICANT			First Named Inventor	Lutz Freitag	
				Art Unit	3771	
	(Use as many sheets as necessary)			Examiner Name	T. K. Mitchell	
Sheet	1	of	1	Attorney Docket Number	023189.0101PTUS	

	U.S. PATENT DOCUMENTS							
Examiner	Cite	Document Number	Publication Date	Name of Patentee or	Pages, Columns, Lines, Where			
Initials*	No.1	Number-Kind Code ² (if known)	MM-DD-YYYY	Applicant of Cited Document	Relevant Passages or Relevant Figures Appear			
/SD/		US-3,610,247	10/5/1971	Jackson				
		US-3,794,026	2/26/1974	Jacobs				
		US-4,265,237	5/5/1981	Schwanborn et al.				
		US-4,488,548	12/18/1984	Agdanowski				
		US-5,762,638	6/9/1998	Shikani et al.				
		US-6,109,264	8/29/2000					
		US-6,666,208	12/23/2003	Schumacher et al.				
		US-6,971,382	12/6/2005					
		US-7,195,016 3/07	7471 2 005	Loyd et al.				
		US-7,373,939		DuBois et al.				
/SD/		2006/0124134	6/15/2006	Wood				

FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ -Number ⁴ -Kind Code ⁶ (F known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T ⁸		
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Examiner	/Steven Douglas/	Date	10/15/2009
Signature	/Steven Douglas/	Considered	10/15/2008

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		NON PATENT LITERATURE DOCUMENTS	
Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
7507		International Search Report and Written Opinion for PCT/US07/12108, issued August 8,2008	

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Signature	/Steven Douglas/		10/15/2008
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¹Applicant's unique citation designation number (optional). ²Applicant is to place a check mark here if English language Translation is attached.

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Subs	Substitute for form 1449/PTO INFORMATION DISCLOSURE				Complete if Known
	INFORMATION DISCLOSURI		Application Number	10/771,803-Conf. #3335	
IN	FORMATIC	ON DI	SCLOSURE	Filing Date	February 4, 2004
S.	STATEMENT BY APPLICANT			First Named Inventor	Lutz Freitag
				Art Unit	3771
(Use as many sheets as necessary)				Examiner Name	T. K. Mitchell
Sheet	1	of	1	Attorney Docket Number	023189.0101PTUS

			U.S. PA	TENT DOCUMENTS		
Examiner Initials*	Cite No.1	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	
/SD/		US-3,991,790 '	11-16-1976	Russell		
R		US-4,527,557 .	07-09-1985	DeVries et al.		
		US-4,535,766	08-20-1985	Baum et al.		
		US-4,813,431 .	03-21-1989	Brown		
		US-5,239,994 1	08-31-1993	Atkins		
		US-5,507,282 •	04-16-1996	Younes et al.		
		US-5,906,204 *	05-25-1999	Beran et al.		
		US-6,315,739 •	11-13-2001	Merilainen et al.		
		US-6,450,164 ;	09-17-2002	Banner et al.		
į		US-6,571,7966/83	08-08-2002	Banner et al.		
/SD/		US-6,758,217 ·	07-06-2004	Younes et al.		

Examiner Signature /Steven Douglas/ Date Considered 10/15/2008

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		NON PATENT LITERATURE DOCUM	ENTS			
Examiner Initials	the item (hook manazine inumal corial rumnocium entolog etc.) data nago(a) valuma inuus					
/SD/ AMBROSINO, "Weaning and Respiratory Muscle Dysfunction: The Egg Chicken Dilemma Chest, 2005, vol. 128(2), pp. 481-83.		Chicken Dilemma,"				
		MESSINGER et al., "Using Tracheal Pressure to Trigger t Pressure During Continuous Positive Airway Pressure Dec 1995, Vol. 108, No. 2, pp. 509 - 514.	he Ventilator ar creases Work o	nd Control Airway f Breathing," Chest,		
MESSINGER et al., "Tracheal pressure triggering a demand flow CPAP system decreases work of breathing," Anesthesiology, 1994, Vol. 81, A272.					Г	
		KOSKA et al., "Evaluation of a fiberoptic system for airway 1993, Vol. 10, No. 4, pp. 247-250	pressure moni	toring," J. Clin Monit,		
		Banner et al., " Imposed work of breathing and methods of triggering demand-flow, continuo positive airway pressure system," Critical Care Medicine, 1993, Vol. 21, No. 2, pp. 183 - 190				
		Banner et al., "Site of pressure measurement during spont positive alrway pressure: Effect on calculating imposed wo Vol. 20, No. 4, pp. 528-33.	aneous breathi	ng with continuous		
/SD/		Sinderby et al., "Neural control of mechanical ventilation in 5:1433-1436.	respiratory fail	ure", Nat Med., 1999;		
Examiner Signature	/S1	teven Douglas/	Date Considered	10/15/2008		

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Sub	ostitute for form 1449/PT	0		Complete if Known		
				Application Number	10/771,803	
11	NFORMATIC	ON DI	SCLOSURE	Filing Date	February 4, 2004	
S	TATEMENT	BY A	APPLICANT	First Named Inventor	Lutz Freitag	
				Art Unit	3771	
	(Use as many	sheets as	necessary)	Examiner Name	T.K. Mitchell	
Sheet	· 2	of	4	Attorney Docket Number	023189.0101PTUS	

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/SD/	US-6,575,944	06/10/2003	McNary, et al.	
	US-6,655,382	12/2/2003		
	US-6,668,829 11/03		Biondi et al.	
	US-6,705,314	3/16/2004	O'Dea	
	US-6,810,876 II / 04		Berthon-Jones	
	US-6,814,073	11/9/2004		
	US-6,840,240		Berthon-Jones et al.	
	US-6,877,511		DeVries et al.	
	US-6.910.480		Berthon-Jones	
	US-6,910,482 (/QC	98/14/2003		
	US-6,913,601 7/05		St. Goar et al.	
	US-6,915,803 7/05		Berthon-Jones et al.	
	US-6,920,878 7 /05	12/11/2003	Sinderby et al.	
	US-6,932,084 8 / 05	07/03/2003	Since by et al.	
	US-6,941,950 9 105	4M 7/2003	Wilson et al.	
 	US-6,948,497 9 (05		Zdrojkowski et al.	
 	US-6,951,217 16/05		Berthon-Jones	
 	US-6,997,881 1 /06	6/30/2005	Green et al.	
 	US-7,000,612 1 /6-6		Jafari et al.	
 	US-7,011,091,3/06	4/10/2003		
 	US-7,017,574 3 / 06	3/10/2005	Biondi et al.	
	US-7,044,129 5 /06	9/03/2003	Truschel et al.	
	US-7,066,173 4/04		Banner et al.	
- 	US-7,077,132 7/06		Berthon-Jones	
 	US-7,080,646 7 /06		Wiesmann et al.	
	US-7,100,607 9 /06	10/13/2005	Zdrojkowski et al.	
	US-7,121,277 / 06	6/27/2002		
	US-7,152,598 12 /94		Morris et al.	
 - 	US-7,222,623 \$ /07		DeVries et al.	
	US-7,255,103 \$ /07	11/25/2004		
 	US-7,267,122 1 /07	11/11/2004		
	US-7,270,128 9 /07		Berthon-Jones et al.	
 	US-7,296,573	11/10/2005	Setto of all	
- - -	2001/0035185		Christopher, K.	
	2002/0179090	12/05/2002	Boussignac, A.	
- - -	2003/0121519		Estes et al.	
- - -	2003/0121319		Muellner	
 	2003/0150455		Bliss et al.	
 	2004/0040560			
 	2004/0221848	11/11/2004	Euliano et al.	
 	2004/0231674	11/25/2004		
 	2004/0237963	11/20/2004	Berthon-Jones	
- 1	2005/0247308	11/10/2005	English of all	
 	2003/0247308		Morris et al.	
 	2005/0005936			
┝╌╉╼╌┼	2005/0005938	1/13/2005		
 	2005/0034721	2/47/2005	Berthon-Jones et al.	
 	2005/0034721	2/17/2005 2/17/2005		
 	2005/0061322	3/24/2005		
7SD7	2005/0087190		Jafari et al.	
100/	12003/000/190	412812005	Julian et al.	

PTO/SB/08a/b (07-05)
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Substitute for form 1449A/B/PTO				Complete if Known	
]	INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)			Application Number	10/771803-Conf. #3335
				Filing Date	February 4, 2004
١ :				First Named Inventor	Lutz Freitag
1				Art Unit	3743
				Examiner Name	T. K. Mitchell
Shee	2	of	2	Attomey Docket Number	023189.0101PTUS

/TM//AT1* US-6,640,806-A1 0 07-10-2008 Yurko AU1* US-6,722,360-A1 AV1* US-6,722,362-A1 12-20-2001 Doshi 0 09-05-2002 Hete et al. 07-11/2002 Hill 7 AW1 US-6,752,151-A1 04 11-04 AX1* US-6,823,866-A1 06/03-2004 | Jafari et al. AY11 US-6,854,462-A1 1/-20-2003 Berthon-Jones et al. AZ1° US-20030145853-A1 08-07-2003 Mueliner AA2* US-20030145856-A1 08-07-2003 Zdrojkowski et al. AB2* US-20030121519-A1 | 07-03-2003 | Estes et al. AC2* US-20030150455-A1 | 08-14-2003 | Bliss et al. AD2* US-20040040560-A1 | 03-04-2004 | Euliano et al. AE2* US-20040221848-A1 11-11-2004 Hill AF2* US-20040237963-A1 | 12-02-2004 | Berthon-Jones AG2* US-20040255943-A1 12-23-2004 Morris et al.
AH2* US-20050005938-A1 01-13-2005 Berthon-Jones et al. Al2* US-20050034724-A1 02-17-2005 O'Dea AJ2* US-20050061322-A1 03-24-2005 Freitag AK2* US-20050087190-A1 04-28-2005 Jafari et al.
AL2* US-20050098179-A1 05-12-2005 Burton et al.
AM2* US-20050121033-A1 06-09-2005 Starr et al.

			FOREIG	GN PATENT	DOCUMENTS		
Exan Initia		Cite No.	Foreign Patent Document . Country Code ³ -Number ⁴ -Kind Code ⁸ (il known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pagas, Columns, Lines, Where Relevant Passagos or Relevant Figures Appear	Τ ^Φ
Γ	ŢW/	BA	DE-19626924	01-08-1998	Epazon B.V.	Drawing	· ONLY THA
	Τ_	BB	EP-0778035	06-11-1997	Siemens-Elema AB	4	J
	$\overline{\Psi}^-$	BC	WO-98/01176	01-15-1998	·		Abstract
\Box	M/	BD	JP-2002-204830	07-23-2002	Teijon, Ltd.		Abstract

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NON PATENT LITERATURE DOCUMENTS						
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Complete If Known				
Application Number	10/771803-Conf. #3335			
Filing Date	February 4, 2004			
First Named Inventor	Lutz Freitag			
Art Unit	3743			
Examiner Name	T. K. Mitchell			
Attorney Docket Number	023189.0101PTUS			

	·		U.S. PA	TENT DOCUMENTS	
Examiner Initiats*	Cite No.	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant
/TM/		L			Figures Appear
/ 1 IVI/	AA.	US-3,267,935	08-23-1966		
L_	AB*	US-3,357,427	12-12-1967	Schreiber	
	AC*	US-3,493,703	02-03-1970	Finen	
	AD*	US-3,741,208	06-26-1973	Jonsson et al.	
	AE'	US-3,961,627	06-08-1976	Ernst et al.	
	AF*	US-4,003,377	01-18-1977	Dahl	1
	AG*	US-4,261,355	04-14-1981	Glazener	
	AH*	US-4,481,944	11-13-1984	Bunnetl	
	Al*	US-4,537,188	08-27-1985	Phuc	1
	AJ*	US-4,744,356	05-17-1988	Greenwood	1
	AK*	US-4,773,411	09-27-1988	Downs	
\neg	AL.	US-5,002,050	03-26-1991		1 -1
	AM.	US-5,048,515	09-17-1991		
	AN'	US-5,090,408		Spofford et al.	
	AO*	US-5,161,525	11-10-1992		
	AP*	US-5,181,509		Spofford et al.	
	AQ*	US-5,184,610		Marten et al.	
	AR*	US-5,217,008	06-08-1993	Lindholm	
_	AS*	US-5,258,027	11-02-1993	<u> </u>	
	AT.	US-5,279,288	01-18-1994	<u> </u>	
\dashv	AU.	US-5,303,700	04-19-1994	Weismann et al.	
	AV.	US-5,400,778	03-28-1995	Jonson et al.	
		US-5,535,738		<u> </u>	
		US-5,542,415	07-16-1996 08-06-1996		
	AY.	US-5,546,935	08-20-1996		
	AZ	US-5,549,106			
			08-27-1996		
		US-5,690,097		Howard et al.	
		US-5,720,278	02-24-1998		
		US-5,735,268	04-07-1998		
		US-5,865,173	02-02-1999		
		US-5,911,756	06-15-1999		
_ _		US-5,931,162	08-03-1999		
		US-5,954,050	09-21-1999		
		US-6,105,575	08-22-2000		1
	Al1°	US-6,213,119	04-10-2001		
		US-6,305,374		Zdrojkowski et al.	
		US-6,345,619	02-12-2002		
		US-6,378,520	04-30-2002		
		US-6,439,228	08-27-2002		
		US-6,568,391		Tatarek et al.	
		US-6,588,422		Berthon-Jones et al.	
		US-6,609,517	08-26-2003		
$\Delta \mathbf{L}$		US-6,626,175-A1	05-09-2002		
Y_		US-6,629,527	10-07-2003	Estes et al. 9 - 03	
·/T IVI/	AS1°	US-6,629,529-A1	08-14-2003	Arnott	

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